

## **REMARKS**

### **Introduction**

The examiner is thanked for the helpful telephone interview held on August 5, 2010. At that interview, we discussed proposed new claims as well as the prior art cited in the Office Action.

### **I. Amendments to the Claims**

Claims 27-31 are pending in the instant application.

Claims 1-11 were cancelled. Claims 12-26 are withdrawn.

Claims 27-31 were added.

New Claim 27 is based on original claims 1 and 2, and on Figure 2. New Claim 29 is an independent claim based on dependent claim 6 and on Figures 5-6.

Support for the new claims and the amendments can be found in the original claims and throughout the specification and in the Figures. No new matter has been added.

### **II. Priority**

Applicant is obtaining a certified copy of the 0330185.0 application and will submit it to the United States Patent and Trademark Office as soon as possible.

### **III. Drawings**

With this response, Applicant is canceling the heating device feature from the claims. For that reason, corrected drawings are not being filed.

### **IV. Claim Objections**

Claim 8 has been cancelled and therefore this objection is moot.

**V. Claim Rejections – 35 USC § 112, Second Paragraph**

Claims 1-6, 10 and 11 are rejected under 35 USC § 112, second paragraph, for a variety of reasons. Based on the newly submitted claims, Applicant submits that these rejections are now moot.

**VI. Claim Rejections – 35 USC § 102(b)**

Claims 1, 2 and 6-9 are rejected under 35 USC § 102(b) as being anticipated by York, US 6,241,696.

Based on the amendments to the claims as well as the newly presented claims, Applicant submits that these rejections are now moot. In particular, it is pointed out that York has a plurality of “arched dome members” which are circular, rotating balls. Claim 1 of York indicates that the balls are “rotatably installed.” The working premise on using the rotating balls in York is that the user can roll the balls up and down or from side to side on a given area to produce a ‘massage effect.’ In the instant application, the claims as now presented indicate that the claimed device has a unitary arched dome. For these reasons, the Examiner is requested to withdraw this rejection.

**VI. Claim Rejections – 35 USC § 103**

**A. York, US 6,241,696 in combination with Dehli, US 6,786,878.**

Claims 3 and 10 have been rejected based on York, US 6,241,696, in combination with Dehli, US 6,786,878. These claims are cancelled and therefore this rejection is moot.

**B. York, US 6,241,696 in combination with Baer, US 2005/0049526.**

Claims 3-5, 10 and 11 are rejected based on York, US 6,241,696, in combination with Baer, US 2005/0049526. These claims are cancelled and therefore this rejection is moot.

**VII. Conclusion**

In view of the amendments and the newly presented claims, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a timely Notice of Allowance.

Applicants herewith submit the fee of \$245.00 for the two-month extension of time.

Other than the fees related to the two-month extension of time, no other fees are believed to be due in connection with this filing. However, the Commissioner is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 08-0219 to maintain the pendency of the present application.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the Application.

Respectfully submitted,

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